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June 2, 2016

Hon. Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: CIT Bank, N.A. formerly known as OneWest Bank, N.A. vs. Elaine E.
Wilson, et al.
Civil Action No.: 15-cv-4223

Hon. Vera M. Scanlon:

Plaintiff respectfully objects to the untimely service of the *Memorandum of Law in Opposition to Motion for Summary Judgment and Dismissal of Answer* ("Opposition Papers") of Defendants, Elaine W. Wilson and Linford G. Wilson, through their attorney, Raymond D. Radow, Esq. By Order of Your Honor dated February 11, 2016 (Docket #33), Defendants' Opposition Papers were to be served upon Plaintiff no later than May 13, 2016. Defendants failed to abide by said Order and did not serve their Opposition Papers until May 25, 2016, less than two (2) days before Plaintiff was required to serve a reply. Necessarily, Plaintiff rejected said Opposition Papers by filing a *Notice of Return and Rejection* (Docket #37).

Nevertheless, Defendants filed their untimely served Opposition Papers on May 31, 2016 (Docket #43), in contravention of § III(c)(4) ("The 'Bundling' Rule") of Your Honor's Individual Practice Rules. As such, Plaintiff has now been prejudiced in that Defendants have made it impossible for Plaintiff to file a timely reply to their Opposition Papers pursuant to said Order.

For the foregoing reasons, Plaintiff hereby requests that its timely served Motion for Summary Judgment be submitted for decision without consideration of Defendants' untimely served Opposition Papers. Alternatively, Plaintiff respectfully requests an extension of Your Honor's briefing schedule to permit time to serve reply papers upon Defendants.

Respectfully submitted:

/s/ Michael W. Nardolillo
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